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Athalonz, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ATHALONZ, LLC,

Plaintiff,

v.

UNDER ARMOUR, INC.,

Defendant.

Case No. 3:23-mc-80324-LJC

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

Location: Courtroom 10, San Francisco
Judge: Aracelia Martínez-Olgún

I. INTRODUCTION

Plaintiff Athalonz, LLC (“Athalonz”) respectfully submits this Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (“Administrative Motion”) under Local Civil Rule 79-5(f). Athalonz submits this motion in connection with Plaintiff’s Motion for Leave to File Supplemental Brief in Support of Motion for De Novo Review.

Specifically, Athalonz seeks to file the information and documents listed below under seal:

DOCUMENT	PORTIONS TO BE SEALED	DESIGNATING PARTY
Plaintiff’s Proposed Supplemental Brief	Portions highlighted in green	Under Armour
Exhibit D to Proposed Supplemental Brief	Entire Document	Under Armour
Exhibit E to Proposed Supplemental Brief	Entire Document	Under Armour
Exhibit F to Proposed Supplemental Brief	Entire Document	Under Armour
Exhibit G to Proposed Supplemental Brief	Entire Document	Under Armour
Exhibit H to Proposed Supplemental Brief	Entire Document	Under Armour
Exhibit I to Proposed Supplemental Brief	Entire Document	Under Armour
Exhibit J to Proposed Supplemental Brief	Entire Document	Under Armour

II. LEGAL STANDARD

Materials and documents may be provisionally filed under seal under Local Civil Rule 79-5(f) when the document, or portions of the document, “has been designated as confidential by another party or non-party.”

III. UNDER ARMOUR’S CONFIDENTIAL INFORMATION

Athalonz seeks to seal certain portions of its Proposed Supplemental Brief and the evidence filed in support of the Supplemental Brief because the documents being discussed were designated by Defendant Under Armour, Inc. (“UA”) as “RESTRICTED – ATTORNEYS’ EYES ONLY” under the Protective Order in the underlying litigation pending in the Eastern District of Texas. Athalonz requested UA’s position on this motion, and UA confirmed that the documents and portions of the brief listed above should be maintained as confidential and filed under seal. Athalonz takes no position on the merits of sealing UA’s designated material and expects UA to file one or more declarations in accordance with the Local Rules.

1 **IV. CONCLUSION**

2 As required by Local Civil Rules 79-5(d) and (e), redacted and unredacted versions of the
3 documents listed above are being filed with this Administrative Motion. A Proposed Order containing
4 the chart set forth in § H.7 of the Court's Standing Order for Civil Cases is attached. For these reasons,
5 Athalonz respectfully requests that the Court grant its Administrative Motion.

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8 Dated: April 16, 2024

Respectfully submitted,

9 REICHMAN JORGENSEN LEHMAN &
10 FELDBERG, LLP

11 By /s/ Jennifer Estremera

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13 Attorneys for Plaintiff
14 ATHALONZ, LLC
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